

REMARKS

This is a full and timely response to the outstanding final Office Action mailed May 9, 2003 (Paper No. 12). Claims 22, 24, 25, 27, 28, 30, 31, 32, 34, 35, 36, 38, 39 and 41 are directly amended. Claims 23, 29, 33, and 37 are cancelled. Reconsideration and allowance of the application and presently pending claims 22, 24-28, 30-32, 34-36, and 38-41 are respectfully requested.

I. Response to the Objection of the Drawings

Applicant acknowledges the objection to the drawings under 37 C.F.R. 1.83(a). However, Applicant respectfully would like to point out that the specification on page 5 of 10 indicates, among others, that "the semaphore system can also be used in combination with clothing" (page 5 of 10 of the application).

Applicant is currently preparing a drawing to illustrate the semaphore being incorporated into a garment. However, the objection that the semaphore being incorporated into an ornament is respectfully disagreed. Applicant respectfully would like to point out that the ring shown on the figures is an ornament.

II. Response to Claim Rejections Under 35 U.S.C. §103

In the Office Action, claims 22-41 stand rejected under as allegedly being unpatentable over U.S. Patent No. 5,027,084, to *Pasfield*.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that *Pasfield* fails to teach each and every element of the claims for the reason that follows.

A. Claim 22

Claim 22, as amended, recites:

22. ***A personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits, comprising:***

one or more semaphores being mounted on a first individual and a second individual, each semaphore indicating a social interest, personality characteristic, or social trait of the individuals or a particular social interest, personality characteristic, or social trait of the first individual, or a particular social interest, personality characteristic, or social trait that the first individual desires in the second individual or vice versa, the semaphores providing information to each individual to determine if each individual is interested in initiating a social relationship with the other individual;

one or more indicia being linked to the semaphores, wherein the indicia indicates to the individuals that the semaphores provide information to social interests, personality characteristics, or social traits about the other individual; and

means to display the one or more semaphores;

whereby each individual can signal each individual's interest and desires to the other individual via the semaphores, and each-individual can quickly interpret the semaphores to understand the characteristics and traits of the other individual and the characteristics and traits desired by other individuals for the purpose of deciding whether or not the individuals have sufficient compatibility to enter a social relationship.

(Emphasis Added)

Applicant respectfully submits that *Pasfield* fails to disclose at least the above-emphasized element. Particularly, *Pasfield* failed to disclose, teach or suggest “one or more indicia being linked to the semaphores, wherein the indicia indicates to the individuals that the semaphores provide information to social interest, personality characteristics, or social traits about the other individual”, as defined in claim 22. Further *Pasfield* fails to disclose, teach or suggest that the semaphores are mounted on at least two individuals and that the semaphores provide information about the individual's social interests, personality characteristics, or social traits to help each individual determine if each individual is interested in initiating a social

relationship. Further, *Pasfield* fails to disclose, teach or suggest a semaphore system for providing information related to social interests, personality characteristics, or social traits.

In the Office Action, the Examiner alleges that *Pasfield* discloses, teaches or suggests that *Pasfield's* semaphores provide information to first and second individuals and that both individuals can signal alerts to each other via the *Pasfield's* semaphores, and then, quickly interprets the *Pasfield's* semaphores to understand the alerts. In fact, *Pasfield* apparently discloses a color-coded band mounted on the arm of a patient in which the highly visible color-coded band indicates a certain care alert condition. Charts for the color-coded band have a list of care condition and is mounted in convenient places for persons providing care to patients so that they can interpret corresponding color-coded arm bands on the patients. In short, only the patient wears the color-coded band and does not understand the color code provided in the charts. Only the persons providing care to the patients understand the color code on the band. The persons providing care to the patient do not wear the color-coded band and only the persons providing care to the patient understand what the color code means on the band.

The present application discloses semaphores mounted on a first individual and a second individual in which the semaphore provides information to the each individual to determine if each individual is interested in initiating a social relationship with the other individual. In short, the present application discloses a two-way communication between two people using the semaphores that provide information, such as social interests, personality characteristics, or social traits, to help each individual determine whether the individual is interested in initiating a social relationship with the other individual. Applicant respectfully submits that *Pasfield* discloses a one-way communication from the care provider to the patient who is wearing the color-coded armband. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

Claim 22 further includes in the preamble that “a personal interest semaphore system for providing information related to social interests, personality characteristics, or social traits.” As mentioned above, *Pasfield* appears to be directed to patient care and not social relationship. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

Applicant has amended claim 22 to include “an indicia being linked to the semaphores, wherein the indicia indicates to the individuals that the semaphores provide information to social interests, personality characteristics, or social traits about the other individual”. As mentioned in the application on page 6 of 10, the indicia 5 can be a trademark, such kalume, which indicates to the individuals that the semaphores mounted on the individuals provide information of the individuals’ social interests, personality characteristics, or social traits. Apparently, *Pasfield* discloses a band with color code mounted on a patient so that the person providing care to the patient will understand the care condition that the patient is in. *Pasfield* does not disclose any indicia that is linked with semaphores to indicate to the individuals that the semaphores are mounted on the individuals providing information of the individuals’ social interests, personality characteristics, or social traits about the other individual. For at least this reason alone, Applicant respectfully requests that claim 22 be allowed and the rejection be withdrawn.

B. Claims 24-28 and 30-31

Because independent claim 22 is allowable over the cited art of record, dependent claims 24-28 and 30-31 are allowable as a matter of law for at least the reason that dependent claims 24-28 and 30-31 contain all features and elements of its respective independent base claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection to dependent claims 24-28 and 30-31 be withdrawn for this reason alone.

C. Claim 32

Claim 32, as amended, recites:

32. ***A method of using semaphores for communicating information related to social interests, personality characteristics, or social traits between individuals interested in forming a social relationship, including the steps of:***

mounting one or more semaphores on at least two individuals to indicate one or more social interests, personality characteristics, or social traits of each individual, or one or more social interests, personality characteristics, or social traits which each individual is seeking in the other individual;

linking to the semaphores an indicia that indicates to the individuals that the semaphores provide information to social interests, personality characteristics, or social traits about the other individual; and

displaying the semaphore on each individual such that it is visible by the other individual;
whereby each individual can signal each individual's social interests, personality characteristics, or social traits to the other individual via the semaphores, and/or signal the social interests, personality characteristics, or social traits that each individual is seeking in the other individual such that each individual can interpret the semaphores to determine if each individual is interested in a social relationship with the other individual.

(Emphasis Added)

Applicant respectfully submits that *Pasfield* fails to disclose at least the above-emphasized element. Particularly, *Pasfield* failed to disclose, teach or suggest "linking to the semaphores an indicia that indicates to the individuals that the semaphores provide information to social interests, personality characteristics, or social traits about the other individual", as defined in claim 32. Further *Pasfield* fails to disclose, teach or suggest that the semaphores are mounted on at least two individuals and the semaphores provide information about the individual's social interests, personality characteristics, or social traits, which each individual is seeking in the other individual. Further, *Pasfield* fails to disclose, teach or suggest a "a method of using semaphores for communicating information related to social interests, personality characteristics, or social traits between individuals interested in forming a social relationship."

In the Office Action, the Examiner alleges that *Pasfield* discloses, teaches or suggests that *Pasfield's* semaphores provide information to first and second individuals and that both individuals can signal alerts to each other via the *Pasfield's* semaphores, and then, quickly interprets the *Pasfield's* semaphores to understand the alerts. In fact, *Pasfield* apparently discloses a color-coded band mounted on the arm of a patient in which the highly visible color-coded band indicates a certain care alert condition. Charts for the color-coded band have a list of care condition and is mounted in convenient places for persons providing care to patients so that they can interpret corresponding color-coded arm bands on the patients. In short, only the patient wears the color-coded band and does not understand the color code provided in the charts. The persons providing care to the patient do not wear the color-coded band and only the persons providing care to the patient understand what the color code means on the band.

The present application discloses semaphores mounted on at least two individuals in which the semaphores provide information to the each individual to determine if each individual is interested in initiating a social relationship with the other individual. In short, the present application discloses a two-way communication between two people using the semaphores that provide information, such as social interests, personality characteristics, or social traits, which each individual is seeking in the other individual. Applicant respectfully submits that *Pasfield* discloses a one-way communication from the care provider to the patient who is wearing the color-coded arm band. For at least this reason alone, Applicant respectfully requests that claim 32 be allowed and the rejection be withdrawn.

Claim 32 further includes in the preamble that “a method of using semaphores for communicating information related to social interests, personality characteristics, or social traits between individuals interested in forming a social relationship”. As mentioned above, *Pasfield* appears to be directed to patient care and not social relationship. For at least this reason alone, Applicant respectfully requests that claim 32 be allowed and the rejection be withdrawn.

Applicant has amended claim 32 to include “linking to the semaphores an indicia that indicates to the individuals that the semaphores provide information to social interests, personality characteristics, or social traits about the other individual”. As mentioned in the application on page 6 of 10, the indicia 5 can be a trademark, such as kalume, which indicates to the individuals that the semaphores mounted on the individuals provide information of the individuals’ social interests, personality characteristics, or social traits. Apparently, *Pasfield* discloses a band with color code mounted on a patient so that the person providing care to the patient will understand the care condition that the patient is in. *Pasfield* does not disclose any indicia that is linked with semaphores to indicate to the individuals that the semaphores are mounted on the individuals providing information of the individual’s social interests, personality characteristics, or social traits. For at least this reason alone, Applicant respectfully requests that claim 32 be allowed and the rejection be withdrawn.

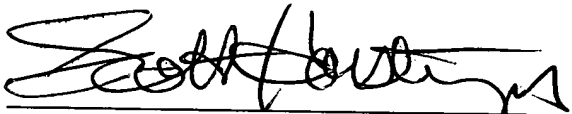
D. Claims 34-36 and 38-41

Because independent claim 32 is allowable over the cited art of record, dependent claims 34-36 and 38-41 are allowable as a matter of law for at least the reason that dependent claims 34-36 and 38-41 contain all features and elements of its respective independent base claim. *See, In re Fine*, supra. Accordingly, Applicant respectfully requests that the rejection to dependent claims 34-36 and 38-41 be withdrawn for this reason alone.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 22, 24-28, 30-32, 34-36, and 38-41 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott A. Horstemeyer", written over a horizontal line.

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